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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,225	06/19/2001	Shinji Noda	Q64996	9818

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EXAMINER
HARRISON, CHANTE E

ART UNIT	PAPER NUMBER
2672	8

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/883,225	NODA ET AL.	
	Examiner	Art Unit	
	Chante Harrison	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 May 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5 and 7-22* is/are rejected.

7)☒ Claim(s) *6* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Amendment C, filed on 5/6/04. This action is made FINAL.

2. Claims 1-22 are pending in the case. Claim 1 is an independent claim. Claims 18 and 19 has been amended.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-5, 7-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masayuki Yokota et al., U.S. Patent 6,282,330 B1, 8/2001 and further in view of Jiebo Luo et al., U.S. Patent 6,654,506 B1, 11/2003.

As per independent claim 1, Yokota discloses an image synthesizing apparatus for producing a synthetic image from at least first and second images, wherein the synthetic image consists of a background image and at least a main image superimposed on the back ground image, said apparatus comprising: a first display section for displaying said at least first and second images one by one upon each of

said images being selected from among images input in said image synthesizing apparatus (Fig. 9; col. 3, ll. 10-18); a second display section for displaying an outer frame and at least an inner frame located inside said outer frame (Fig. 9; col. 2, ll. 59-60; col. 12, ll. 23-33); a frame selecting device for selecting one of said outer and inner frames (i.e. window or slot corresponding to a rectangular shape on a template) as displayed in said second display section (col.12, ll. 45-51; col. 13, ll. 15-20); a crop boundary (i.e. range) displayed on said image in said first display section (col. 3, ll. 14-17, 39-48; col. 6, ll. 32-35), and a cropping and pasting device for cropping those areas of said first and second images that are each individually bounded by said crop boundary (col. 3, ll. 39-45; col. 4, ll. 45-55; col. 6, ll. 28-35), and pasting the cropped area of said first image as the background image (i.e. clipped image of template) in said outer frame (col. 4, ll. 45-55; col. 6, ll. 30-35), and the cropped area of said second image as the main image (i.e. trimmed/clipped image from pool of selectable images) in said inner frame (col. 4, ll. 45-50; Fig. 9).

Yokota fails to specifically disclose said crop boundary having a similar shape to the frame that is selected by said frame selecting device and a frame modifying device for modifying any of said outer and inner frames by homothetically changing size or position of said crop boundary relative to the image displayed in said first display section.

Yokota discloses after applying the editorial image processing, displaying the modified image as required by the designated page layout (col. 7, ll. 55-65), in one of the one or multiple windows of which the page consists. Therefore it is obvious that Yokota's

editorial process, which performs trimming of an image over a defined range of the image and displays the resultant image in a designated window slot, defines a crop boundary that has a similar shape to the selected frame. Luo discloses a frame modifying device for modifying any of said outer and inner frames by homothetically changing size or position of said crop boundary relative to the image displayed in said first display section (col. 3, ll. 10-16). However it would have been obvious to one of ordinary skill in the art to incorporate Luo disclosure of homothetically changing size or position of said crop boundary relative to the image displayed with the disclosure of Yokota because Yokota teaches repeating designation of editorial processes including manipulating the application of trimming operations, to achieve the desired display results (col. 8, ll. 30-35; col. 9-10, ll. 65-4).

As per dependent claim 2, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 1, wherein said outer and inner frames are rectangular (Fig. 9), and said image synthesizing apparatus further comprises a device for enabling changing aspect ratio of any of said outer and inner frames (col. 3, ll. 10-30).

As per dependent claim 3, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 1, wherein where the synthetic image is to have a plurality of main images which overlap with each other (Fig. 9), data designating an order of displaying a plurality of inner frames from the front of the synthetic image is allocated to each inner frame (col. 12-13, ll. 62-12).

As per dependent claim 4, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 3, wherein among the plurality of inner frames, one having an image pasted later is placed forward (col. 12-13, ll. 62-12).

As per dependent claim 5, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 3, wherein the order of arrangement of said inner frames from the front of the synthetic image may be modified appropriately (col. 6, ll. 28-32; col. 12-13, ll.66-12)

As per dependent claim 7, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 1, wherein said frame modifying device may modify the position or the size of any of said outer and inner frames even after an image is pasted in said outer frame or said inner frame (col. 9 ll. 40-50).

As per dependent claim 8, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 1, further comprising an image quality control device for controlling quality of an image before or after said image is pasted in said outer frame or said inner frame (col. 4, ll. 28-32; col. 9, ll. 65-67).

As per dependent claim 9, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 1, wherein where the main image is to have a

non-rectangular contour (Fig. 10), a trimming frame of the non-rectangular contour is displayed in said subsidiary display area inside said inner frame (col. 9, ll. 22-27; col. 13, ll. 41-46), said inner frame having a rectangular shape that circumscribes said trimming frame (i.e. window "1-A" of Fig. 10 which corresponds to a rectangle in a selected template and circumscribing a trimming region of an image) (Fig. 10; col. 2, ll. 59-60; col. 12, ll. 47-50), and an area having a similar shape to said inner frame is cropped out from said second image (Fig. 10; col. 3, ll. 43-46; col. 13, ll. 41-46), and pasted in said inner frame after pixels of marginal portions of said cropped area which are outside said trimming frame are deleted or converted in-to transparent pixels (col. 8, ll. 30-35; col. 13, ll. 41-46, 56-67).

As per dependent claim 10, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 1, further comprising a memory for storing the synthetic image as a set of image data of those images pasted in said outer and inner frames (col. 5, ll. 12-17), and location data representative of position of said inner frame relative to said outer frame (col. 2, ll. 59-60; col. 4, ll. 10-14; col.12-13, ll. 66-2; col. 5, ll. 12-15; col. 8, ll. 39-42).

As per dependent claim 11, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 10, wherein where the synthetic image has a plurality of main images which overlap with each other (Fig. 9) (i.e. 3 overlapping rectangular windows), data indicating the sequence of arrangement of the main images from the

front of the synthetic image is stored in addition to said location data (col. 12-13, ll. 62-12; col. 4, ll. 10-14; col. 5, ll. 12-15; col. 8, ll. 39-42).

As per dependent claim 12, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 1, wherein another image may be pasted in any of said outer and inner frames in place of a previously pasted image (col. 6, ll. 28-32).

As per dependent claim 13, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 1, further comprising a memory for storing the synthetic image as a single image data file (col. 5, ll. 12-17).

As per dependent claim 14, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 1, further comprising a template selecting device for selecting a template from among a plurality of options (Fig. 9; col. 12,ll. 23-30), wherein said outer and inner frames are determined by the selected template (Fig. 9; col. 11-12, ll. 65-5).

As per dependent claim 15, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 14, wherein samples of said plurality of template options are displayed in a small size on said control screen before one of the templates is selected (Fig. 9; col. 12, ll. 23-30).

As per dependent claim 16, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 1, wherein said first and second display sections are arranged side by side on a same control screen (Fig. 9).

As per dependent claim 17, Yokota in view of Luo discloses an image synthesizing apparatus as recited in claim 16, wherein an operating section for operating said image synthesizing apparatus is displayed on the same control screen as said first and second display section (Fig. 9; col. 3, ll. 37-41; col. 12, ll. 34-51).

As per dependent claim 18 and 19, Yokota in view of Luo discloses the inner frame has one of a ...polygonal shape (Fig. 9 e.g. darkened rectangle in the left portion of the display screen), but fails to disclose the shape is one of a round, triangular, star and a heart shape. However it would have been obvious to one of skill in the art to incoporate an inner frame of one of a round, star, triangular, and heart shape with the disclosure of the Yokota in view of Luo because a polygon is a closed plane figure bounded by three or more line segments.

As per dependent claim 20, Yokota in view of Luo discloses a resolution of the main image is slightly higher than a resolution of the background image (col. 7-8, ll. 64-3).

As per dependent claim 21, Yokota in view of Luo discloses the outer frame circumscribes the inner frame in the second display section (Fig. 9 e.g. the dotted rectangle enclosed by the darkened rectangle in the left portion of the display screen).

As per dependent claim 22, Yokota fails to specifically disclose modifying each of the outer and inner frames, which Luo discloses (col. 3, ll. 10-16). However it would have been obvious to one of ordinary skill in the art to incorporate Luo disclosure of homothetically changing size or position of said crop boundary relative to the image displayed with the disclosure of Yokota because Yokota teaches repeating designation of editorial processes including manipulating the application of trimming operations, to achieve the desired display results (col. 8, ll. 30-35; col. 9-10, ll. 65-4).

Allowable Subject Matter

3. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 5/6/04 have been fully considered but they are not persuasive.

Applicant argues (pp. 7, Para 5) Yokota fails to teach displaying the first and second images one by one in the first display section as the images are selected

In reply, Yokota teaches displaying multiple books (Fig. 9) where upon the selection of a desired book results in the display of the "selected" images corresponding to the book selection (Fig. 9). Therefore, Yokota teaches display of the first and second images one by one in the display area as the images are selected.

Thus, claims 1 and its dependent claims 2-5 and 7-22 are not allowable over the prior art based on the reply provided above.

Applicant argues (pp. 8, Para 2) Yokota fails to disclose the crop boundary having a similar shape to the selected frame.

In reply, Yokota's disclosure of trimming an image over a define range and displaying the modified image as required by the designated page layout, where in the example Fig. 9, Yokota discloses a rectangular frame region displaying a modified

image cropped by a rectangular region clearly suggests that the shape of the cropped region may be similar in shape to the selected frame.

Applicant argues (pp. 9, Para 1) regarding claim 1, Luo fails to disclose modifying any of the outer and inner frames by changing size of position of the crop boundary relative to the image displayed.

In reply, Luo teaches changing the position of the crop window relative to the image frame displayed (col. 3, ll. 10-15). Yokota teaches operator designation of direction (i.e. position orientation) and trimming operations to be applied to images selected for pasting into a frame (col. 6, ll. 30-40). Thus, Yokota's teaching that the pasted image may be modified in position and have trimming applied within the range of the image, suggests that the trimming region "moves" or is positioned relative to the repositioned pasted image. Luo's disclosure further asserts that a crop window may be repositioned or resized relative to an image. Therefore the rejection of claim 1 in view of Yokota and Luo is maintained.

Applicants argue regarding claim 2 (pp. 10, Para 1) Yokota's disclosure of reading the original image in 3 or more different resolutions fails to teach the claimed feature reciting a device for enabling change of an aspect ration of any of the inner and outer frames.

In reply, Yokota disclosure of reading multiple different resolutions corresponds to changing the aspect ratio of any of the frames in that the differing resolutions indicate the number of pixels to be displayed horizontally and vertically. Thus, the horizontal and vertical pixels define the scale/ratio of the frames.

Applicants argue (pp. 10, Para 2) regarding claims 18 and 19, Yokota fails to teach the inner frame has one of a round, a triangular, a star and a heart shape.

In reply, Yokota teaches the inner frame having a polygonal shape (Fig. 9). Additionally, Dictionary.com defines a polygon as a closed plane figure bounded by three or more line segments. Thus, a polygon includes a triangular, round, star, and heart shape as each of these shapes are defined by lines or curves, which are lines that deviate from a straight path.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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